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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 BRENDA WILSON,  
11 Plaintiff(s),

12 v.

13 EXPERIAN INFORMATION SOLUTIONS,  
14 INC., et al.,

15 Defendant(s).

Case No.: 2:19-cv-00055-RFB-NJK

**Order**

[Docket Nos. 37, 38]

16 Pending before the Court is Defendant Experian Information Solution's motion to stay  
17 discovery pending resolution of its motion to dismiss. Docket No. 37. The Court has considered  
18 Defendant's motion, Plaintiff's response, and Defendant's reply. Docket Nos. 37, 43, 52. Also  
19 pending before the Court is Defendant's motion for a protective order. Docket No. 38. The Court  
20 has considered Defendant's motion, Plaintiff's response, and Defendant's reply. Docket Nos. 38,  
21 44, 53. The motions are properly resolved without a hearing. *See* Local Rule 78-1.

22 **I. Background**

23 Plaintiff brought this action on January 9, 2019, and filed an amended complaint on March  
24 18, 2019. Docket Nos. 1, 26. Plaintiff alleges numerous violations of the Fair Credit Reporting  
25 Act ("FCRA") and the Nevada Revised Statutes concerning her credit information and her Chapter  
26 7 bankruptcy filing. Docket No. 26 at 13-32. Specifically, Plaintiff alleges that Defendant  
27 Experian violated Section 1681 of the FCRA as well as NRS Section 598 in (1) misreporting credit  
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1 information; (2) misreporting bankruptcy inclusion dates; and (3) suppressing positive data leading  
2 to the production of an incomplete report. *Id.*

## 3 **II. Analysis**

4 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*  
5 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide  
6 for automatic or blanket stays of discovery when a potentially dispositive motion is pending.”  
7 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed  
8 absent a “strong showing” to the contrary. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda*  
9 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests  
10 to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2)  
11 the potentially dispositive motion can be decided without additional discovery; and (3) the Court  
12 has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced  
13 that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*,  
14 294 F.R.D. 579, 581 (D. Nev. 2013); *see also Tradebay*, 278 F.R.D. at 603.

### 15 *I. Potentially Dispositive Motion*

16 Defendant submits that its pending motion to dismiss potentially disposes of all of  
17 Plaintiff’s claims. Docket No. 37 at 6. In response, Plaintiff concedes that Defendant’s motion to  
18 dismiss relates to all of her pending claims. Docket No. 43 at 8.

19 Accordingly, the Court finds that Defendant’s motion to dismiss is potentially dispositive  
20 of the instant case.

### 21 *II. Need for Additional Discovery*

22 Defendant submits that its pending motion to dismiss does not require any discovery to be  
23 resolved. Docket No. 37 at 11. Defendant submits that its motion to dismiss argues that Plaintiff  
24 fails to satisfy the elements of her claims because she (1) fails to allege any actionable inaccuracy  
25 in her disclosure; (2) fails to allege that any purportedly inaccurate information was every included  
26 in a consumer report sent to a third party; (3) fails to allege that that Defendant’s reinvestigation  
27 was unreasonable, or that she provided a statement of dispute after receiving the reinvestigation  
28 results; and (4) fails to allege that Defendant’s disclosures did not permit her to evaluate the

1 accuracy of her credit information that is furnished to third parties in credit reports. *Id.* at 6-14.  
2 Defendant further submits that Plaintiff lacks an injury sufficient to confer Article III standing to  
3 bring those claims. *Id.* at 4. Defendant submits, therefore, that discovery is unnecessary to resolve  
4 its motion to dismiss. *Id.* at 6.

5 In response, Plaintiff submits that discovery is required on her claims. Docket No. 43 at  
6 8.<sup>1</sup> Plaintiff submits that the nuances of Defendant's reinvestigation of her disputes are unknown,  
7 but that this evidence is routinely explored in discovery and requires Defendant to turn over  
8 information. *Id.* Plaintiff further submits that discovery is necessary because Defendant has been  
9 concealing additional, critical policy documents for years and that those documents and  
10 depositions will provide explanations for Defendant's actions in reinvestigating Plaintiff's  
11 disputes. *Id.* at 9. Plaintiff submits that discovery is relevant to her disclosure and reinvestigation  
12 claims, especially on credit information and credit scoring. *Id.* at 9-11.

13 In reply, Defendant submits that discovery is neither necessary nor appropriate to resolve  
14 the motion to dismiss. Docket No. 52 at 4. Defendant submits that a stay of discovery is  
15 appropriate here because Plaintiff fails to allege any injury sufficient for Article III standing and  
16 fails to plead her claims as a matter of law. *Id.* at 3-4. Defendant further submits that, while  
17 Plaintiff insists on discovery to support her claims, the question before the court is whether  
18 discovery is necessary to resolve the pending motion to dismiss. *Id.* at 5-6.

19 The Court has reviewed all briefing on Defendant's motion to dismiss. The Court finds  
20 that, while discovery is necessary to resolve the claims themselves, it is not necessary to resolve  
21 Defendant's motion to dismiss.

### 22 *III. Preliminary Peek*

23 Finally, the Court has taken a "preliminary peek" at the briefing on Defendant's motion to  
24 dismiss.<sup>2</sup> Docket Nos. 34, 39, 48. Having done so, the Court is convinced that Plaintiff will be  
25 unable to state a claim for relief. *See Tradebay*, 278 F.R.D. at 603.

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26 <sup>1</sup> The pagination on the briefing of Docket No. 43 does not match the pagination assigned  
27 by CM/ECF. The Court cites herein to the pagination provided by CM/ECF.

28 <sup>2</sup> Conducting the preliminary peek puts the undersigned in an awkward position because  
the assigned district judge who will decide the motion to dismiss may have a different view of its

### III. Conclusion

Accordingly, the Court **GRANTS** Defendant's motion to stay discovery. Docket No. 37. Discovery between Plaintiff and Defendant Experian is stayed pending the resolution of Defendant Experian's motion to dismiss. In the event resolution of the motion to dismiss does not result in the termination of this case, the parties shall file a joint proposed discovery plan and scheduling order within seven days of the issuance of the order resolving that motion. In light of the above, the Court **DENIES** Defendant's motion for a protective order as moot. Docket No. 38.

IT IS SO ORDERED.

Dated: May 22, 2019

Nancy J. Koppe  
United States Magistrate Judge

merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not intended to prejudge its outcome. *See id.* As a result, the undersigned will not provide a lengthy discussion of the merits of the pending motion to dismiss in this instance. Nonetheless, the undersigned has carefully reviewed the arguments presented in the motion to dismiss and subsequent briefing.